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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/734,637 | 12/15/2003 | Hsien-Chang Wu | CHU 237 | 2004 |

7590 04/15/2005

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| EXAMINER |
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WELCH, GARY L

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| ART UNIT | PAPER NUMBER |
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3765

DATE MAILED: 04/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/734,637

Applicant(s)

WU, HSIEN-CHANG

Examiner

Gary L. Welch

Art Unit

3765

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: It appears that the following change is required:

Page 4, line 10: Change "11" to --21--

Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kinnee et al. (U.S. 5,398,342) in view of Wilder et al. (U.S. 6,122,769).

Kinnee et al. discloses a baseball glove 10 having an air management system.

The glove has a shell back 14, a shell palm 12, a lining 40, a gusset between two contiguous fingers of the shell back and shell palm, leather accessories 32 and leather lacings 30.

However, Kinnee et al. does not disclose that the gusset is formed from a ventilate material.

Wilder et al. teaches a sports glove having a shell back 20, a shell palm 16, a lining 48, a gusset (18, 40) made from a ventilate material, leather accessories and leather lacings. The gusset is made from the ventilate material allow air to

Art Unit: 3765

freely circulate to the thumb and fingers thereby keeping the wearer comfortable when the glove is worn in a warm environment.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a ventilate material as taught by Wilder et al. to the finger gussets of Kinnee et al. in order to allow air to freely circulate to the thumb and fingers thereby keeping the wearer comfortable when the glove is worn in a warm environment.

With regard to claim 2, the ventilate material is a synthetic material. Wilder et al. does not disclose that the ventilate material is Neoprene. A review of the applicant's disclose does not reveal the criticality for claiming Neoprene as the ventilate material (i.e., why Neoprene is better than any other material).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to manufacture the ventilate material of Wilder et al. from Neoprene in order to provide a predetermined level of air circulation around the user's thumb and fingers.

4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kinnee et al. (U.S. 5,398,342) in view of Wilder et al. (U.S. 6,122,769) as applied to claim 1 above, and further in view of Sundberg (U.S. 4,224,692).

Kinnee et al. and Wilder et al. disclose the invention substantially as claimed above.

However, they do not disclose a plurality of ventilation pores disposed on the lining.

Art Unit: 3765

Sundberg teaches a glove having a lining 12 with a plurality of ventilation holes 16 disposed therethrough to ensure adequate ventilation.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the glove of Kinnee et al. with a plurality of ventilation holes as taught by Sunberg to ensure adequate ventilation of the wearer's hands and fingers.

Conclusion

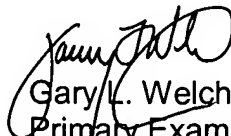
5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Japanese Patent to Doi et al. '340, Lucas et al. '290, Dzierson '163 and Blakeman '362 disclose various gloves with a plurality of finger gussets that are ventilated.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary L. Welch whose telephone number is (571) 272-4996. The examiner can normally be reached on Mon-Fri 5:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John J. Calvert can be reached on (571) 272-4983. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3765

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Gary L. Welch
Primary Examiner
Art Unit 3765

glw